

## **TITLE 11 – DEVELOPMENT CODE**

### **CHAPTER 5 – OVERLAY DISTRICT REGULATIONS**

#### **ARTICLE 1 – FLOODPLAIN OVERLAY REGULATIONS**

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#### **11-5-101 Floodplain Overlay Regulations**

- (1) The FPO Flood-Plain Overlay Zone has been established to provide an environment, in and around those portions of the City subject to periodic flooding, which will protect life and minimize property losses from such flooding. More specifically, the objectives of the FPO Zone are as follows:
  - (a) To protect human life and health.
  - (b) To minimize public and private property damage.
  - (c) To minimize surface and ground water pollution that may affect human, animal, or plant life.
  - (d) To warn individuals against constructing buildings in high flood-hazard areas.
  - (e) To control development which, alone or in combination with other development, will create an additional burden to the public to pay the costs of rescue, relief, emergency preparedness measures, sandbagging, pumping, and temporary dikes or levees.
- (2) The overlay zone is limited to those areas of the community which have been demonstrated or determined to be subject to periodic inundation by flood waters of any creek corridor.

#### **11-5-102 Permitted Uses**

- (1) Permitted uses within the FPO(A, AH, A1-30) subzone shall include all uses permitted within the underlying zone subject to compliance with all requirements for development in the floodplain areas as set forth in this Article or elsewhere in this Code or in specifications and regulations adopted pursuant hereto.

- (2) Permitted uses within the FPO(f) subzone shall include all uses permitted in the underlying zone, except that no dwelling, or other structure used for human occupancy shall be permitted. No structure, fill, development, or encroachment shall be permitted which would result in an increase in flood levels during a base flood.
- (3) All permitted uses shall be subject to the following:
  - (a) All development which is permitted within the zone shall comply with the specific requirements for development in the FPO(A, AH, A1-30) subzone set forth in this Code or in regulations adopted pursuant hereto.
  - (b) All bridges or flood-control structures shall be first approved by the City Council.

### **11-5-103 Development Standards and Conditions**

All construction and development within the FPO Zone shall be carried out in accordance with the following standards and specifications for development in flood-plain areas:

- (1) Buildings or structures shall have a low flood-damage potential.
- (2) The buildings or structures shall be constructed and placed on the building site so as to offer the minimum obstruction to the flood or flood waters.
- (3) All building and structures shall be constructed with flood-resistant materials and utility equipment and be constructed using methods and practices that minimize flood damage.
- (4) So far as practicable, buildings or structures shall be placed on approximately the same flood flow lines as those of adjoining structures.
- (5) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare shall be accomplished in a manner which will assure that the facilities are situated above the base flood elevation or are adequately flood-proofed to prevent flotation of storage containers which could result in the escape of toxic materials into flood water.
- (6) All new structures and all additions to existing structures shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (7) Development permits for the proposed construction or improvements shall be obtained from federal, state or local government agencies from which prior approval is required.

- (8) All manufactured homes to be placed or substantially improved within the FPO (AH, AE, or A1-30) subzone shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 11-4-506 of this Code.
- (9) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (b) The bottom of all openings shall be no higher than one foot above grade.
  - (c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (10) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### **11-5-104 Specific Requirements in FPO (A, AH, A1-30) Subzone**

Within the FPO(A, AH, A1-30) subzone, all new construction and all improvement of any existing dwelling, or any commercial, industrial, or other non-residential structure which shall equal or exceed 50% of the value of the existing structure shall comply with the following:

- (1) Have the lowest floor, including basement, elevated on compacted fill, or a continuous concrete foundation to or above the base-flood elevation.
- (2) Non-residential structures shall have all portions of the structure and attendant sanitary and utility facilities, which are located lower than an elevation of one-foot above the base-flood level, flood-proofed with walls substantially impermeable to the passage of water certified by a registered engineer as adequate to withstand flood-depths, pressure, velocity, impact and uplift arising from a base flood.
- (3) Shall have been exempted from the necessity of compliance with the requirements of the FPO Zone as evidenced by a letter of map amendment or conditional commitment letter from the Federal Flood Insurance Administration, or by action of the Board of Adjustment in interpreting the boundaries of the FPO Zone.

#### **11-5-105 Information to be Obtained and Maintained**

In administering the provisions of this Title, the Zoning Administrator shall:

- (1) Obtain and record the actual elevation in relation to mean sea level of the lowest habitable floor, including basement, of all new or substantially improved structures constructed within the FPO Zone.
- (2) Verify and record the actual elevation in relationship to mean sea level for all new or substantially improved flood-proof structures and maintain the flood-proofing certifications required in (1).
- (3) Maintain for public inspection all records pertaining to the requirements of this Article.
- (4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, as criteria for requiring that new construction, substantial improvements or other development in the FPO (A) subzone complies with the provisions of this Chapter.

#### **11-5-106 Administration**

- (1) Any person, firm or corporation desiring to construct, add to, or move a dwelling or other structure, or proposing to excavate, or place fill, or other form of development within the boundaries of the FPO Zone, shall first make application for and obtain a development permit from the Zoning Administrator before starting construction. Said application shall be on forms furnished by the City.
- (2) Precise boundaries of the FPO Zone shall be determined by scaling distances on the Official Zone Map; provided, however, where there is disagreement as to the determination made by the Zoning Administrator or, where it is determined that an interpretation is desirable in cases of an apparent conflict between the Map boundary and actual field conditions, the Board of Adjustment shall, upon appeal, make the necessary interpretation in accordance with Section 11-2-304 of this Code. Any such appeal shall be made in accordance with all applicable procedures and conditions relating to appeals before the Board of Adjustment as set forth in Article 3 of Chapter 2 of this Title. In making its determination, the Board of Adjustment shall utilize all technical evidence available to it, including the detailed data contained in the flood insurance study.

#### **11-5-107 Relocation of Water Course**

Any proposed alteration or relocation of the Hobble Creek channel or any designated floodway shall be first approved by the City Council. No such alteration or relocation shall have the effect of reducing the water carrying capacity of the floodway. Prior to granting approval for alteration or relocation, the City shall require verification of authorization from the State of Utah.

#### **11-5-108      Warning and Disclaimer of Liability**

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside the FPO Zone or land uses permitted within such zone will be free from flooding or flood damages. This Article shall not create any liability on the part of the City or any officer or employee thereof for any flood damages that may result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

#### **11-5-109      Development Standards**

The City Council may from time to time adopt standards and specifications relating to the design and quality of required improvements within the FPO Zone and the administration of flood regulations. All developments shall be carried out in accordance with these adopted standards and specifications.